

In the Matter of)
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Review of the Emergency Alert System)
) EB Docket No. 04-296
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I. Introduction

¹ *In the Matter of Review of the Emergency Alert System*, First Report and Order and Further Notice of Proposed Rulemaking, EB Dkt No. 04-296, FCC 05-191 (November 10, 1995).

II. Relay Services Can Serve a Beneficial Role in the Distribution of Emergency Information.

CSD appreciates the FCC's interest in finding ways to ensure that people with disabilities have equal and consistent access to the aural and visual information provided in EAS alerts. We take particular interest in that part of the FCC's FNPRM that seeks feedback on whether a digitally based alert and warning system can take advantage of the nation's relay services.

CSD agrees with WGBH's National Center on Accessible Media (NCAM) and the Rehabilitation Engineering Research Center on Telecommunications Access (RERC) that the integration of both TRS and video relay services (VRS) into the nation's emergency alert system would be extremely valuable for users of these services.² Relay centers can be used to deliver emergency notification messages to deaf and hard of hearing individuals as an adjunct to other, existing emergency notification systems. Specifically, CSD envisions relay users having the option of signing up to receive emergency notifications in a communication mode that best fits their language and communication needs. This would be particularly helpful for individuals whose first or preferred language is American Sign Language (ASL). ASL has a very different grammatical structure and syntax than English. Especially in an emergency, ASL users are likely to have much

² See Comments of NCAM and the RERC-TA (January 24, 2006) at 13.

more trouble understanding text than a message in their own language. In addition, signing a message is faster than typing text, and far more effective for individuals who have minimal language skills.

One way that a relay notification system could work is for relay users to have the option of registering with a central database. In an emergency, this central emergency authority could provide designated primary and alternate relay service providers with the names and contact information of individuals who have expressed a wish to receive EAS notification, along with a script containing the actual EAS notification information. Such scripts could also contain guidance on where recipients can locate additional information and emergency assistance. The relay center would then prepare video interpretations of the notifications in sign language and disseminate that information to specific relay users who have provided advance permission.³ The notifications could either go directly to the individuals targeted, for example, via video relay services, or if those individuals are unavailable, left via video mail. Relay providers already have video relay interpreters on staff, and for that reason, would be able to swiftly disseminate EAS scripts in this fashion to local, regional, and national areas. The use of interpreter resources in centers located around the country would also keep down time lags in preparing and disseminating these alert notifications.

³ Billing for this service could be tracked and kept separate from the billing for routine TRS and VRS.

An alternative to this would be to send video mail to everyone as an initial step. A mass e-mail of one video clip would only take minutes to accomplish. Once sent, efforts could be made to connect with individuals who are available through live video relay services.

III. The FCC Needs to Improve Enforcement of its Emergency Access Rules

It is an unfortunate truth that historically, our nation's emergency communication systems have not met the needs of people who are deaf and hard of hearing. Far too many video programming providers have blatantly ignored Commission rules that required visual notifications by television broadcasters as far back as 1976,⁴ obligations which extended these EAS obligations to cable programmers in 1997,⁵ and guidelines issued more recently (in 2000), requiring visual access to all televised emergencies.⁶ Only

⁴ *Amendment of Part 73 of the Rules to Establish Requirements for Captioning of Emergency Messages on Television*, Report and Order, Dkt. 20659, 61 FCC 2d 18 (September 15, 1976), reconsideration granted in part, 62 FCC 2d 565 (January 28, 1977). The order created a new rule at 47 C.F.R. §73.675(b), later moved to 47 C.F.R. §73.1250(h).

⁵ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Second Report and Order, FO Dkt. 91-301, FO Dkt. 91-171, FCC 97-338, 12 FCC Rcd 15503 (September 29, 1997). The portion of these rules dealing with visual notification are codified at 47 C.F.R. §11.51(g), (h).

⁶ *Closed Captioning and Video Description of Video Programming*, *Implementation of Section 305 of the Telecommunications Act of 1996*, *Accessibility of Emergency Programming*, Second Report and Order, MM Dkt. 95-176, FCC 00-136, 15 FCC Rcd 6615 (April 14, 2000), codified at 47 C.F.R. §79.2. These rules were promulgated in response to Congress's directive in the Telecommunications Act of 1996 to issue closed captioning regulations. See 47 U.S.C. §713 (1996).

in the past year or so has the FCC finally assessed fines for violations of these emergency notification rules. CSD applauds the Commission for taking these actions, but remains concerned that even more needs to be done to achieve widespread and routine compliance. Access to 911 public safety answering points (PSAP) has been equally abysmal, despite Department of Justice (DOJ) rules requiring direct communication with TTY users.⁷ Although CSD recognizes that PSAP compliance is beyond the FCC's jurisdiction, this is just one more indication of the neglect that has gone on for too long. CSD calls upon the FCC to take whatever action is needed to step up enforcement of its rules, and to work with other federal agencies, including DOJ and the Department of Homeland Security to ensure that EAS, together with other mandatory emergency notification requirements, provide full access to local, regional and national emergencies by all individuals with disabilities.

In addition, recently, the FCC appointed members to a new independent panel that will review the impact of Hurricane Katrina on the nation's communications networks without a single representative from the disability community. On January 24, 2006, the Consortium of Citizens with Disabilities Task Force on Emergency Preparedness and Disaster Relief sent a letter to Chairman Martin requesting reevaluation of the decision to exclude the disability community from this federal advisory committee. CSD

⁷ 28 C.F.R. §35.162.

agrees that to exclude persons with disabilities from this evaluative process would be a grave mistake, and urges the FCC to amend its participant list to include a disability representative.

IV. Conclusion

CSD appreciates this opportunity to provide feedback on ways to improve emergency notification to people who are deaf and hard of hearing. In addition to enabling the dissemination of video messages to individuals that use sign language through VRS, we recommend that in devising solutions for this population, the FCC should seek global and ubiquitous solutions that take into account multiple access points, to avoid unnecessary overlap or gaps in emergency notification. This will necessarily require the involvement of public safety answering points (PSAPs), NENA, APCO and other emergency access associations, DOJ (which is charged with implementing Title II of the Americans with Disabilities Act's mandate for 911 access) and wireless providers. For the immediate future, we also urge the Commission to (1) step up enforcement of existing FCC mandates on televised emergency access; and (2) amend the participant list of its new Hurricane Katrina review panel to include representation from the disability community.

Respectfully submitted,

/s/

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